



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,273	08/25/2000	Dan Adamski	2204/A17	5875
2101	7590	01/16/2004	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 01/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/648,273

**Applicant(s)**

ADAMSKI ET AL.

**Examiner**

Hanh Nguyen

**Art Unit**

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 8/25/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 5-9 and 12-24 are rejected under 35 USC 102(e) as being anticipated by **Raj et al.** (US Pat. No. 6,628,649 B1).

In claims 1, 3, 5, 6, 7, 8, 9, 12, 18, 19, 20, and 24, **Raj et al.** discloses routers 161, 163 (a first router and a second router, see Fig.3). Each router is described in Fig. 6 as having a plurality of switch control mechanisms 201 ( a plurality of line cards) connecting a data switching mechanism 205 ( a communication fabric). Each of switch control mechanisms 201 (each of line cards) is configured in a similar manner in Fig.12 having a similar VPC/VCI table 351 (each line card having clone path tables) (See col.7, lines 5-10) and a route process 352 (data forwarding module) respectively. The VPI/VCI table 351 identifies virtual circuits

Art Unit: 2662

established in data switching mechanism 205 for data transfer in relation to ports 225 specified in the port mapper 354 (traffic in conjunction with the communication fabric bound for a router port). See col.25, lines 25-60 & col.26, lines 12-15. Refer to the router 200 in Fig.14B, when a LSC 201-1 (active linecard) fails, routing algorithm described in routing process 352 operating in each LSC 201-1, 201-2 (data forwarding module in active and protection line cards) detects equivalent network paths and routing information for data to reach various destinations. See col.28, lines 32-40. LCS 201-2 ( protection line card) is enabled to route data from edge router 210 (external received message) switched from port 230-1-1 to port 230-2-1 for routing via switch resource partition 2 (fabric) ( external received message is routed through the fabric to the protection line card). See col.28, lines 55-65.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 10 are rejected under 35 USC 103(a) as being unpatentable over **Raj et al.** (US Pat. No. 6,628,649 B1) in view of **Punj** (US Pat. No. 5,513,174).

In claims 2 and 10, **Raj et al. does not** disclose address added on the external message. **Punj** discloses packet received from switching module having a header identifying address of slot at which destination line card is located. See Fig.2, col.6, table 1.

Claims 4 and 11 are rejected under 35 USC 103(a) as being unpatentable over **Raj et al.** (US Pat. No. 6,628,649 B1) in view of **Gomez** (US Pat. No. 6,330,221 B1).

In claims 4 and 11, **Raj et al.** does not disclose a bus connecting an active line card and a protection line card. **Gomez** discloses, in Fig.2, an IP bus connects active line card 46A and standby line card 46B (a bus connecting an active line card and a protection line card).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zadikian et al. (US Pat. No. 6,631,134 B1) discloses Method for Allocating Bandwidth in an Optical Network

Greaney et al. (US Pat. No. 5,796,729) discloses Integrated telecommunication System Architecture for Wireless and Wireline Access Featuring Pacs Radio Technology.

Crowther et al. (US pat. No. 5,751,710) discloses Technique for Connecting Cards of a Distributed Network Switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:00 AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the

Application/Control Number: 09/648,273

Page 5


Art Unit: 2662

organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax: 703 872-9314

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'H. Nguyen', written over the date.

January 12, 2004